

### **REMARKS**

Applicant has amended claims 8-10 to more appropriately express the subject matter and to clear up other informalities. No new matter is added by this amendment. Claims 8-12 remain pending in the present application. Applicant highly appreciates Examiner's careful review of the present application.

#### ***Claim Rejections Under 35 U.S.C. 101***

Claims 8-12 were rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

In response, Applicant has amended claim 8 by changing the step of "selecting one or more successful suppliers from all eligible suppliers" to "selecting one or more acceptable quotations from quotations of all eligible suppliers, so as to select one or more successful suppliers from all eligible suppliers", and by adding a step of "generating notices indicating quotations of the one or more successful suppliers are accepted". Amended claim 8 now produces a "useful, concrete, and tangible" result.

Amended claim 8 recites the use of certain technologies, including manipulation of purchasing information (including historical transaction records, current prices, a base price, a purchasing scheme, bidding documents, quotations, notices, etc.) of machines. This manipulation includes setting, receiving, compiling, opening, determining, excluding, auditing, selecting, and generating purchasing information of machines, and such manipulation necessarily requires at least one storage device. Furthermore, amended claim 8 is now recited as being computer-enabled, whereby steps (such as the above-described setting, receiving, compiling, opening, determining, excluding, auditing, selecting, and generating purchasing information of machines) are typically performed by utilizing an application server, in addition to utilizing a database server (see, e.g., para. [0018] of the specification).

Further, carrying out the claimed method of amended claim 8 **produces or achieves notices**. Therefore it is submitted that in the overall context of the claimed method, the technology embodied in amended claim 8 produces “useful, concrete, and tangible” results.

For at least the above reasons, it is submitted that amended claim 8 is directed to statutory subject matter under 35 U.S.C. 101. Claims 9-12 depend from amended independent claim 8. Accordingly, Applicant requests reconsideration and removal of the rejections of claims 8-12.

***Claim Rejections Under 35 U.S.C. 112***

Claims 9 and 10 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

In response:

(i). Regarding claim 9:

Applicant has amended claim 9 by changing “determining whether it is necessary to negotiate with any eligible supplier” to “determining whether one or more items in a quotation of any eligible supplier need to be changed,” and by changing “negotiating with an eligible supplier if it is necessary to negotiate with the eligible supplier” to “negotiating with an eligible supplier if one or more items in the quotation of the eligible supplier need to be changed.” These amendments render claim 9 more definite and clear, and the amended subject matter is at least inherent in the specification as originally filed. Therefore no new matter is added. Applicant requests reconsideration and withdrawal of the rejection of amended claim 9 under 35 U.S.C. 112, second paragraph.

(ii). Regarding claim 10:

Applicant has amended claim 10 by changing “sending a notice to each successful supplier to inform the supplier of success” to “sending a notice to a successful supplier

to inform that the quotation of the successful supplier is accepted,” for the purpose of overcoming the rejection. These amendments render claim 10 more definite and clear, and the amended subject matter is at least inherent in the specification as originally filed. Therefore no new matter is added. Applicant requests reconsideration and withdrawal of the rejections of amended claim 10 under 35 U.S.C. 112, second paragraph.

In conclusion, it is submitted that claims 9-10 now comply with the definiteness requirement of 35 U.S.C. 112(2). Reconsideration and withdrawal of the rejections of claims 9-10 under 35 U.S.C. 112, second paragraph, are respectfully requested.

***Claim Rejections Under 35 U.S.C. 103***

Claims 8-12 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kellam et al. (US 20030130927, hereinafter Kellam) in view of Schrantz (US 20030144922), and further in view of Westbrook et al. (US 20020052802, hereinafter Westbrook).

Applicant respectfully requests reconsideration and removal of the rejection of claims 8-12 and allowance of claims 8-12. The following remarks herein are responsive to the rejections as understood.

With regard to claims 8-12:

Amended claim 8 recites in part:

**”compiling a purchasing scheme based on the basic information and the base price, the purchasing scheme being used for generating bidding documents.”**

Applicant submits that none of Kellam, Schrantz, and Westbrook, taken alone or in combination, teach or suggest the above-highlighted features, as set forth in amended claim 8.

Kellam teaches bid terms, such as a reserve price, a historic price, a target price, time dependent variables, and bid strategies, are set for each subset. The bid terms may

vary with each subset. When a bidder 30 submits a bid, the bid is sent to the server component 23 and evaluated to determine whether the bid is from an authorized bidder and whether the bid has exceeded a predetermined maximum acceptable price (paragraphs [0033] and [0035]).

According to Kellam's disclosures, terms of a bidder's bid may include a reserve price, a historic price, a target price, time dependent variables, and bid strategies. The predetermined maximum acceptable price is used for filtering bidder's bids. It seems as if that the predetermined maximum acceptable price of Kellam corresponds to "the base price" of the present invention. However, Applicant submits that Kellam does not teach or suggest the presently claimed "purchasing scheme" and "bidding documents". The presently claimed "purchasing scheme" is used for generating the presently claimed "bidding documents", which are opened or showed to suppliers so they give their quotation. That is, essential purchasing information such as the presently claimed "basic information" and "base price", are contained in the presently claimed "purchasing scheme" and "bidding documents". Suppliers should give their quotation according to essential purchasing information in the presently claimed "bidding documents". Accordingly, Applicant submits that Kellam fails to teach or suggest the feature of **"compiling a purchasing scheme based on the basic information and the base price, the purchasing scheme being used for generating bidding documents,"** as recited in amended claim 8. Additionally, Applicant states that neither Schrantz nor Westbrook, taken alone or in combination, teach or suggest the above-highlighted features either. It is submitted that any combination of Kellam, Schrantz, and Westbrook, does not teach or suggest the above-highlighted features either.

Furthermore, amended claim 8 recites in part:

**"auditing information on a supplier in order to determine whether the supplier is eligible if the quotation of the supplier does not exceed the base price."**

Applicant submits that none of Kellam, Schrantz, and Westbrook, taken alone or in combination, teach or suggest the above-highlighted features, as set forth in amended claim 8.

Westbrook teaches a system and method for facilitating wood product transactions including obtaining a request for transaction partners and generation of a list of available sellers. A buyer computing device 202 may designate criteria that facilitates the selection of which seller computing devices 202 receive a transaction query. A data processing application 414 generates a list of available transaction partners and their respective terms for the buyer computing device 202. The data processing application 414 can utilize a three-tiered approach to include/exclude businesses. Under a three-tiered approach, a party can include or exclude parties according to a general classification. In another application, a party can include or exclude particular individual parties by identifying them directly. In accordance with an illustrative three-tiered approach, a party may also include or exclude parties by utilizing a combination of criteria (See Westbrook's Abstract; paragraphs [0012], [0053], [0065], [0067], and [0084]).

According to Westbrook's disclosures, available sellers can be selected according to designated criteria, and particular individual parties can be excluded under a three-tiered approach. Applicant acknowledges that the designated criteria of Westbrook is used as conditional data for selecting potential sellers/suppliers that should join in a transaction, and particular individual parties can be excluded according to standard data such as the general classification or the combination of criteria. That is, it can be concluded that the available sellers of Westbrook correspond to the presently claimed **"suppliers"** whose bidding documents are opened, and that Westbrook's action of "excluding particular individual parties under a three-tiered approach" is similar to the present claimed action of "excluding a supplier if the quotation of the supplier exceeds the base price". However, Applicant submits that Westbrook fails to teach or suggest the presently claimed feature of **"auditing information on a supplier in order to determine whether the supplier is eligible if the quotation of the supplier does not**

**exceed the base price,”** as recited in amended claim 8 of the present application. Additionally, Applicant states that neither Kellam nor Schrantz, taken alone or in combination, teach or suggest the above-highlighted features either. It is submitted that any combination of Kellam, Schrantz, and Westbrook, does not teach or suggest the above-highlighted features either.

For at least the above reasons, Applicant asserts that the machine purchasing method of amended claim 8 is distinctly and patentably different from any combination of Kellam, Schrantz, and Westbrook.

In conclusion, Applicant asserts that none of Kellam, Schrantz, and Westbrook, taken alone or in combination, teach or otherwise suggest the present invention having the above-highlighted features, as set forth in amended claim 8. Applicant submits that amended claim 8 is unobvious and patentable under 35 U.S.C. §103(a) over Kellam in view of Schrantz, and further in view of Westbrook. Reconsideration and removal of the rejection and allowance of amended claim 8 are requested.

Claims 9-12 depend from amended independent claim 8, and respectively recite additional subject matter. Therefore claims 9-12 should also be allowable.

### CONCLUSION

Applicant submits that the foregoing Amendment and Response place this application in condition for allowance. If Examiner believes that there are any issues that can be resolved by a telephone conference, or that there are any informalities that can be corrected by an Examiner's amendment, please call the undersigned at 714.626.1224.

Respectfully,

Chang et al.

By     /Frank R. Niranjana/     Date:     September 30, 2008    

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